

ADMINISTRATIVE POLICY & PROCESS DIVISION
December 20, 2018

STIPULATED SETTLEMENT AGREEMENTS FOR BOTTLE BILL VIOLATIONS

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| <p>1. Safeway, Inc.
Jim Donald, President
Robert Gordon, VP/Secretary/Director
Gary Morton, VP/Treasurer/Secretary
Robert Dimond, Vice President
Lisa Gray, Director
Robert Miller, Director
Albertson's Companies, Inc., Stockholder
dba SAFWAY STORE #2790 (O)
1303 NW Lovejoy
Portland, OR 97209</p> | <p>ORS 459A.710 - Licensee's employees willfully refused to accept from a customer empty beverage containers of the kinds of beverages sold at Safeway Store #2790 and refused to pay the customer the refund value of those containers when an unnamed customer service clerk and an unnamed manager told the customer that the store does not accept empty beverage container returns after 8:00 PM. (October 19, 2018).</p> <p>(1st Level Category V)</p> | <p>Note: Licensee was charged with this violation by Notice dated October 30, 2018. The proposed sanction was a 7-day suspension or a \$1,155.00 civil penalty.</p> <p style="text-align: center;"><u>AGGRAVATION</u></p> <p>Staff added four days of aggravation because Licensee received a Notice of Warning on October 12, 2017 for an employee refusing to accept empty beverage containers, and two employees were involved in the current violation.</p> |
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TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category V violation within two years. Any subsequent Category V violation within the same two years will be charged at the second level.
2. The standard sanction for this violation is a three-day suspension or a civil penalty of \$495.00. Staff added four days of aggravation because Licensee received a Notice of Warning on October 12, 2017 for an employee refusing to accept empty beverage containers, and two employees were involved in the current violation. The total proposed sanction was a seven-day suspension or a \$1,155.00 civil penalty.
3. The Commission will reduce the proposed sanction by one day. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will either pay a \$990.00 civil penalty before 5:00 PM on January 15, 2019 or serve a six-day suspension beginning at 7:00 AM on January 20, 2019 and ending at 7:00 AM on January 26, 2019.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegation, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of licensee's Commission file and may be considered in any future application for any license by licensee.
6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2018 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

2. Money 4 Nothing, Inc.
Sohail Tanveer, Pres/Sec/Stockholder
dba **7-ELEVEN STORE**
#2363-23007E (O)
16221 SE Stark
Portland, OR 97233

ORS 459A.710 - Licensee's employees willfully refused to accept from customers empty beverage containers of the sizes and brands of beverages sold at 7-Eleven Store #2363-23007E and refused to pay the customers the refund value of those containers when on September 21 and 23, 2018, an employee known only as Hus refused to accept more than 20 containers and on October 19, 2018, an employee known only as Janal refused to accept more than 20 containers. (September 21, 2018, September 23, 2018 and October 19, 2018).

(2nd Level Category V)

Note: Licensee was charged with this violation by Notice dated October 30, 2018. The proposed sanction was a 13-day suspension or a \$2,145.00 civil penalty. Licensee wishes to enter into this settlement agreement.

AGGRAVATION

Staff added six days of aggravation because Licensee received a Notice of Warning on January 23, 2018 for an employee refusing to accept empty beverage containers, because multiple employees were involved in the violation, and because the violation was repeated.

TERMS OF AGREEMENT

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's second Category V violation within two years. Licensee's first Category V violation was on May 10, 2018. Any subsequent Category V violation within the same two years will be charged at the third level.
2. The standard sanction for this violation is a seven-day suspension or a civil penalty of \$1,155.00. Staff added six days of aggravation because Licensee received a Notice of Warning on January 23, 2018 for an employee refusing to accept empty beverage containers, because multiple employees were involved in the violation, and because the violation was repeated. The total proposed sanction was a 13-day suspension or a \$2,145.00 civil penalty.
3. The Commission will reduce the proposed sanction by two days. This is equivalent to a 30% reduction of the standard sanction.
4. Licensee will either pay a \$1,815.00 civil penalty before 5:00 PM on January 15, 2019 or serve an 11-day suspension beginning at 7:00 AM on January 20, 2019 and ending at 7:00 AM on January 31, 2019.
5. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the allegation, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of licensee's Commission file and may be considered in any future application for any license by licensee.

(continued **7-ELEVEN STORE #2363-23007E**)

6. This agreement is conditional upon final approval of the Oregon Liquor Control Commission and will be reviewed by the Commissioners at their December 2018 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.